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AN ACT
RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF
HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS
BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE
PUBLIC HEALTH ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-1-1 NMSA 1978 (being Laws 1973,
Chapter 359, Section 1) is amended to read:

"24-1-1. SHORT TITLE.--Chapter 24, Article 1 NMSA 1978
may be cited as the "Public Health Act"."

Section 2. A new section of the Public Health Act is
enacted to read:

"REPORTING REQUIREMENTS.--

A. A hospital, a long-term care facility or a
primary care clinic, shall provide information sufficient for
the secretary to make a reasonable assessment based on clear
and convincing evidence of its financial viability,
sustainability and potential impact on health care access.
Information provided to the secretary pursuant to this
section shall remain confidential, is exempt from the
Inspection of Public Records Act, unless disclosure or use is
mandated by the state or federal law, and shall not be used
as a basis for suspension, revocation or issuance of a
license. The hospital, long-term care facility or primary

1 care clinic shall provide this information to the secretary
2 at least sixty days before the anticipated effective date of
3 a proposed licensure, closure, disposition or acquisition of
4 the hospital, the long-term care facility or the primary care
5 clinic or its essential services.

6 B. The secretary shall issue a notice of finding
7 to the facility within sixty days of receiving information
8 from the facility.

9 C. For the purposes of this section:

10 (1) "hospital" means a facility providing
11 emergency or urgent care, inpatient medical care and nursing
12 care for acute illness, injury, surgery or obstetrics.

13 "Hospital" includes a facility licensed by the department as
14 a critical access hospital, general hospital, long-term acute
15 care hospital, psychiatric hospital, rehabilitation hospital,
16 limited services hospital and special hospital;

17 (2) "long-term care facility" means a
18 nursing home licensed by the department to provide
19 intermediate or skilled nursing care; and

20 (3) "primary care clinic" means a
21 community-based clinic that provides the first level of basic
22 or general health care for an individual's health needs,
23 including diagnostic and treatment services and, if
24 integrated into the clinic's service array, mental health
25 services."

